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To the
European Commission
Online – public consultation

2020-12-18

Feedback – public consultation
Sustainable finance – EU classification system for green investments

Dear Sir or Madam,

please note our statement on the public consultation to „Sustainable finance – EU classification system for green investment concerning Hydropower in the taxonomy draft delegated act.

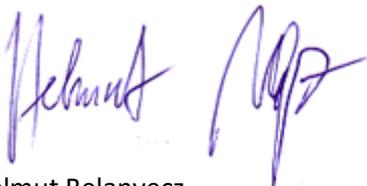
The technical screening criteria for determining whether electricity generation from hydropower causes no significant harm to any of the other environmental objectives should be reconsidered. The main environmental impacts related to hydropower installations are impacts on biodiversity associated with fragmentation of ecosystems and changes to habitats, to hydrological and hydrogeological regimes to water chemistry and to interference with species migration pathways. The impact is resulting from the establishment of the installation and its operation as well as to emissions to water and generation of waste during construction of the HP. Thus, the following recommendations should be taken into consideration:

1. The delegated act (DA) should include Technical Expert Group (TEG) critical recommendation that “**construction of small hydropower (<10MW) should be avoided**”. Around 23,000 hydropower installations were recorded in the EU in 2011. The vast majority (91%) were small (less than 10 MWH) and generate around 13% of the total electricity production from hydropower. Large hydropower plants, on the other hand, represented only 9% of all hydropower facilities but generate about 87% of the total electricity production from hydropower. The estimation for 2050 predicted an increase in the number of HP stations by about 10% for large HP stations and by 25% for the number of SHP plants (while for SHP electricity generation will increase only by 11% and for large HP by 5 %). (*Arcadis 2011: Hydropower generation in the context of the EU WFD. EC DG Environment*)

2. The DA should include TEG's general recommendation that "**construction of new hydropower should not lead to increase fragmentation of rivers**, consequently refurbishment of existing hydropower plant and rehabilitation of existing barriers should be prioritised". The draft DA fails to protect already heavily fragmented freshwater ecosystems from further hydropower development as it requires only "restoring continuity within the same river basin district to an extent that compensates the disruption of continuity, which the planned hydropower plant may cause" when the cumulative impact assessment demonstrates that the envisaged project could deteriorate or compromise the achievement of good status/potential of the specific water body. Such attitude may compromise important objectives of the new EU Biodiversity Strategy for 2030 which are e.g. the restoration of at least 25,000 km of rivers into free-flowing rivers by 2030.
3. The DA should require that all conditions outlined in **Article 4(7) of the Water Framework Directive (WFD)** are met based on ground evidence, as recommended by TEG. Any deterioration of or compromise to the achievement of good status or potential of a water body should be conditioned not only by overriding public interest but by (a) all practicable steps taken to mitigate the adverse impacts; (b) setting out and explaining the reason for a project in the river basin management plan; (c) recognition of overriding public interest and/or the benefits of the project outweigh its impacts; (d) no significantly environmentally better options.
4. The DA should **refer clearly to the WFD regarding the operation of existing plants**. It should stress that all necessary mitigation measures should be implemented to reach good ecological status or potential, as required by the WFD.4
5. The DA should emphasise that when the competent authority determines whether hydropower project is to be made subject to an environmental impact assessment (screening), all the relevant selection **criteria listed in Annex III** of Directive 2011/92/EU are taken into account, regardless of the capacity of the plant. Taking only some of these criteria (i.e. size of project) into consideration, exceeds the limits of discretion granted under the EIA Directive (Case C-66/06, Commission v Ireland).

We hope our statement will be taken into consideration.

With regards



Helmut Belanyecz
Präsident



Sonja Behr
Geschäftsführerin